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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,617	10/23/2001	Sorin Cohn		2686

7590 08/09/2004

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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

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DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/040,617	<b>Applicant(s)</b> COHN ET AL.	
	<b>Examiner</b> Nghi H. Ly	<b>Art Unit</b> 2686	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

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**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 4, 6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art in view of Miura (US 6,369,914) and further in view of Blum et al (US 6,553,017).

Regarding claims 1 and 6, the Applicant's admitted prior art teaches a system for delivery (see the Applicant's Background of The Invention, page 1, 21-28), storage (see the Applicant's Background of The Invention, page 2, lines 4-12), playback and

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management of data on a wireless device (see Applicant's Background of The Invention, page 1, 20-25), comprising:

- a content storage device that stores and transmits a data stream (see Applicant's Background of The Invention, page 2, lines 4-12 and page 2, lines 20-25),

- a proxy server that receives the data stream sent from the content server, marks the data as single-use data or multi-use data, and transmits at least a portion of that data stream to a data network (see Applicant's Background of The Invention, page 2, lines 4-12),

- a transmission device that transmits the data stream from the data network to a wireless device (see Applicant's Background of The Invention, page 3, lines 1-5), the wireless device further comprising;

- a storage area that stores data from the data stream sent from the transmission device (see Applicant's Background of The Invention, page 2, lines 20-25),

- a data player on which data from the storage device is played back to a user (see Applicant's Background of The Invention, page 2, lines 20-25 and see page 3, lines 1-5), and

The Applicant's admitted prior art does not specifically disclose a data indicator device to indicate type and status of the data in the storage device.

Miura teaches a data indicator device to indicate type and status of the data in the storage device (see column 2, lines 9-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Miura into the system of the

Applicant's admitted prior art in order to provide a method of managing the received data (see Miura, column 1, lines 15-17).

The combination of the Applicant's admitted prior art and Miura does not specifically disclose a data retransmission device that generates a signal if the data stream is lost from the transmission device and transmits the signal to the proxy server to re-establish transmission of the data stream.

Blum teaches a data retransmission device that generates a signal if the data stream is lost from the transmission device and transmits the signal to the proxy server to re-establish transmission of the data stream (see column 2, lines 10-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Blum into the system of the Applicant's admitted prior art and Miura so that missing data can be retransmitted.

Regarding claim 2, the Applicant's admitted prior art further teaches the data indicator device comprises two data indicator programs, a one-time play only program to identify and manage one time play only data, and a multi-play program to identify and manage multi-play data (see Applicant's Background of The Invention, page 2, lines 4-12).

Regarding claim 4, the combination of the Applicant's admitted prior art, Miura and Blum further teaches a block retransmission enabling device to re-establish a communication link between the proxy server and the wireless device if the communication link is prematurely lost (see Blum, column 2, lines 10-25).

Regarding claim 11, the Applicant's admitted prior art further teaches data

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marked as single use multimedia content is deleted after complete playback (see the Applicant's Background of The Invention, page 2, lines 4-12 and page 2, lines 20-25).

Regarding claim 12, the Applicant's admitted prior art further teaches data marked as multiuse multimedia data content is deleted after complete playback (see the Applicant's Background of The Invention, page 2, lines 4-12 and page 2, lines 20-25).

Regarding claim 13, the Applicant's admitted prior art further teaches data marked as multiuse multimedia data content is saved after complete playback (see the Applicant's Background of The Invention, page 2, lines 4-12 and page 2, lines 20-25).

4. Claim 3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art in view of Miura (US 6,369,914) and further in view of Blum et al (US 6,553,017) and further in view of Tantawy et al (US 6,597,891).

Regarding claim 3, the combination of the Applicant's admitted prior art, Miura and Blum teaches claim 1 above. The combination of the Applicant's admitted prior art, Miura and Blum does not specifically disclose the storage area further comprises a personal storage access area that stores data marked as restricted access data for a user, wherein data is marked by: a user authentication process, using an encryption key or a combination of username and password, on the device to access newly delivered content, a data transfer process to move data to other areas on the device that are not secure and do not require authentication after the user has been authenticated.

Tantawy teaches the storage area further comprises a personal storage access area that stores data marked as restricted access data for a user (see column 3, lines

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49-65), wherein data is marked by: a user authentication process, using an encryption key or a combination of username and password (see Abstract), on the device to access newly delivered content (see column 1, lines 55-64), a data transfer process to move data to other areas on the device that are not secure and do not require authentication after the user has been authenticated (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Tantawy into the system of the Applicant's admitted prior art, Miura and Blum in order to prevent unauthorized access of the private data.

Regarding claim 7, the combination of the Applicant's admitted prior art, Miura, Blum and Tantawy further teaches marking multimedia data content received from the proxy server as restricted access data, and storing the restricted access data in a segregated storage access area (see Tantawy, column 6, lines 29-46).

Regarding claims 8 and 9, the combination of the Applicant's admitted prior art, Miura, Blum and Tantawy further teaches data marked as restricted access can only be accessed using a private software key (see Tantawy, Abstract).

Regarding claim 10, the combination of the Applicant's admitted prior art, Miura, Blum and Tantawy further teaches enabling a block retransmission of multimedia data content from the proxy server if the multimedia data content from the proxy server is interrupted (see Tantawy, column 3, lines 2-4).

***Allowable Subject Matter***

5. Claim 5 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the Applicant's admitted prior art teaches a wireless device for receiving, storing, and playing data transmitted over a wireless network, comprising: a storage area capable of receiving and storing data transmitted over a wireless network in one or more files, a transmission device capable of sending a signal over the wireless network, and a memory unit having stored thereon a control program to control storage and playback of the data (see Applicant's Background of The Invention, page 1, 20-25).

Blum et al (US 6,553,017) teaches a block re-transmission enabling program to resume data delivery to the wireless device after a loss of connection from the wireless network (see column 2, lines 10-25).

the Applicant's admitted prior art and Blum, alone or in combination fails to teaches a wireless device comprising: a multi-use data status indicator program to determine a current status of one or more files containing multi-use data stored in the storage area, a single-use data progress indicator program to control playback of single-use data stored in one or more files in the storage area, a personal storage access area storage convention for controlling access and use of certain data stored in the storage area.



***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Geagan (US 6,263,371) teaches method and apparatus for seaming of streaming content.

b. Berry (US 6,404,747) teaches integrated audio and video agent system in a automatic call distribution environment.

c. Lydon (US 6,757,302) teaches channel status management for multichannel audio distribution.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

*NH Ly*  
*08/02/04*

*Lester G. Kincaid*  
**LESTER G. KINCAID**  
**PRIMARY EXAMINER**

<b>Notice of References Cited</b>	Application/Control No. 10/040,617	Applicant(s)/Patent Under Reexamination COHN ET AL.	
	Examiner Nghi H. Ly	Art Unit 2686	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,369,914	04-2002	Miura, Shigeo	358/403
	B	US-6,553,017	04-2003	Blum et al.	370/332
	C	US-6,597,891	07-2003	Tantawy et al.	455/3.05
	D	US-6,263,371	07-2001	Geagan et al.	709/231
	E	US-6,404,747	06-2002	Berry et al.	370/270
	F	US-6,757,302	06-2004	Lydon et al.	370/503
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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